

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY, STATE OF
NEVADA,

Petitioner,

vs.

RICHARD WILLER,

Respondent.

Case No. 2013-3730

FILED

NOV 19 2014 CR

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
/ ND CONDOMINIUM HOTELS

FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on November 18 and 19, 2014, at Gaming Control Meeting Room, 555 E. Washington Ave., Room 2450, Las Vegas, NV 89101 and at 2501 E. Sahara Avenue, 2nd Floor Conference Room, Las Vegas, NV 89104 (the "Hearing"). The Respondent, Richard Willer (the "Respondent"), appeared with his counsel, Richard Minagil. Michelle D. Briggs, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Petitioner").

Ms. Briggs presented testimony from Charatsang Dara, Lynn Espinoza, and Sonya Meriweather. Mr. Minagil presented the testimony of Respondent. Documents were admitted into evidence as presented and approved by counsel. Counsel for Respondent also proffered the testimony of Lance Kallfelz, and the parties stipulated to accept the proffer. Specifically, the parties stipulated that Mr. Kallfelz would testify that Ms. Dara told him her daughter did not see Mr. Willer disrobe. The Commission, having considered the evidence introduced by

Petitioner and Respondent, and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116 and 116A, the Commission has legal jurisdiction and authority over this matter.

FINDINGS OF FACT

Based upon all the evidence and testimony presented during the hearing, the parties stipulated to some findings of fact, and by a preponderance of the evidence, the Commission finds the following factual allegations are supported:

1. During the relevant times mentioned in the complaint, Respondent was an officer and director of IMAGES-FIESTA! MASTER ASSOCIATION, a homeowners' association located in Las Vegas, Nevada.

2. RESPONDENT is subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and is subject to the jurisdiction of the Division, and the Commission for Common-Interest Communities pursuant to the provisions of NRS 116.750.

3. On or about November 14, 2013, the Division received an Intervention Affidavit against Respondent, as a board member of IMAGES-FIESTA! MASTER ASSOCIATION (the "Association").

4. The affidavit was made by Charatsang Dara, a woman who rented a home owned by the Association.

5. The affidavit alleges that Respondent responded to a maintenance complaint made by Ms. Dara in November 2012.

6. Ms. Dara alleged that Respondent took off all of his clothes while doing plumbing repairs in her home with her and her young daughter there.

7. Her and her daughter became afraid of Respondent. Ms. Dara told him to put his clothes back on and leave immediately.

8. Ms. Dara had to ask him more than one time to put his clothes on and leave.

10. Subsequently, Ms. Dara filed a police report and received a Temporary Protective Order from Las Vegas Justice Court.

11. According to Division records from the Association, at the time of the alleged incident and when the Intervention Affidavit was filed, Respondent was a board member and treasurer for the Association.

12. During the course of the Division's investigation, the other members of the Association's board were asked to respond to the allegations made by Ms. Dara.

13. After receiving a demand for indemnification with regard to the court proceedings from Respondent, the Association requested and received an attorney opinion regarding their options and potential liability.

14. The Association refused to indemnify Respondent with regard to the court proceedings brought by Ms. Dara.

15. In response to the allegations of Ms. Dara, Respondent admits that he took off all of his clothes, but says it was a misunderstanding.

16. Respondent asked Ms. Dara if he could take off his clothes, and she said it was okay thinking he meant only his shirt.

17. Respondent says he initially put on his underwear, but wanted to make sure the repairs he made would work, so he did not leave immediately.

18. As of June 10, 2014, Respondent was no longer a board member for the Association.

19. Respondent is currently on the board for his sub-association, Images Homeowners Association.

CONCLUSIONS OF LAW

Based on the foregoing factual findings, the Commission concludes by unanimous vote that the following violations of law occurred:

21. Respondent knowingly and willfully violated NRS 116.3103 by failing to act in the honest belief that his actions were in the best interests of the Association when he, as a representative of the Association, removed all his clothing in front of a tenant of the Association in a unit owned by the Association.

ORDER

The Commission, being fully apprised in the premises, and good cause appearing to the Commission by a vote of 6 to 1, ORDERS as follows:

1. The Respondent shall pay to the Division a total fine of \$9,120. The total fine reflects a fine of \$2,000 for committing the violations of law, plus \$7,120 for the Division's attorney's fees and costs. The total fine shall be paid within 60 days of the date of this Order.

2. Respondent shall be removed from his position as a director and officer of Images Homeowners Association.

3. Respondent is prohibited from serving on any board in the State of Nevada for a period of not less than 10 years, but in no event shall Respondent serve on any board in the State of Nevada until the total fine above is paid in full.

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1 4. The Division may institute debt collection proceedings for failure to timely pay the
2 total fine. Further, if collection goes through the State of Nevada, then Respondent shall also
3 pay the costs associated with collection.

4 DATED this 19 day of November, 2014.

6 COMMISSION FOR COMMON-INTEREST
7 COMMUNITIES AND CONDOMINIUM
8 HOTELS DEPARTMENT OF BUSINESS &
9 INDUSTRY STATE OF NEVADA

By: 
BARRY BRESLOW, CHAIRMAN

10 Submitted by:

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